

# Despite rumors to contrary, change in reservation boundaries hasn't hurt

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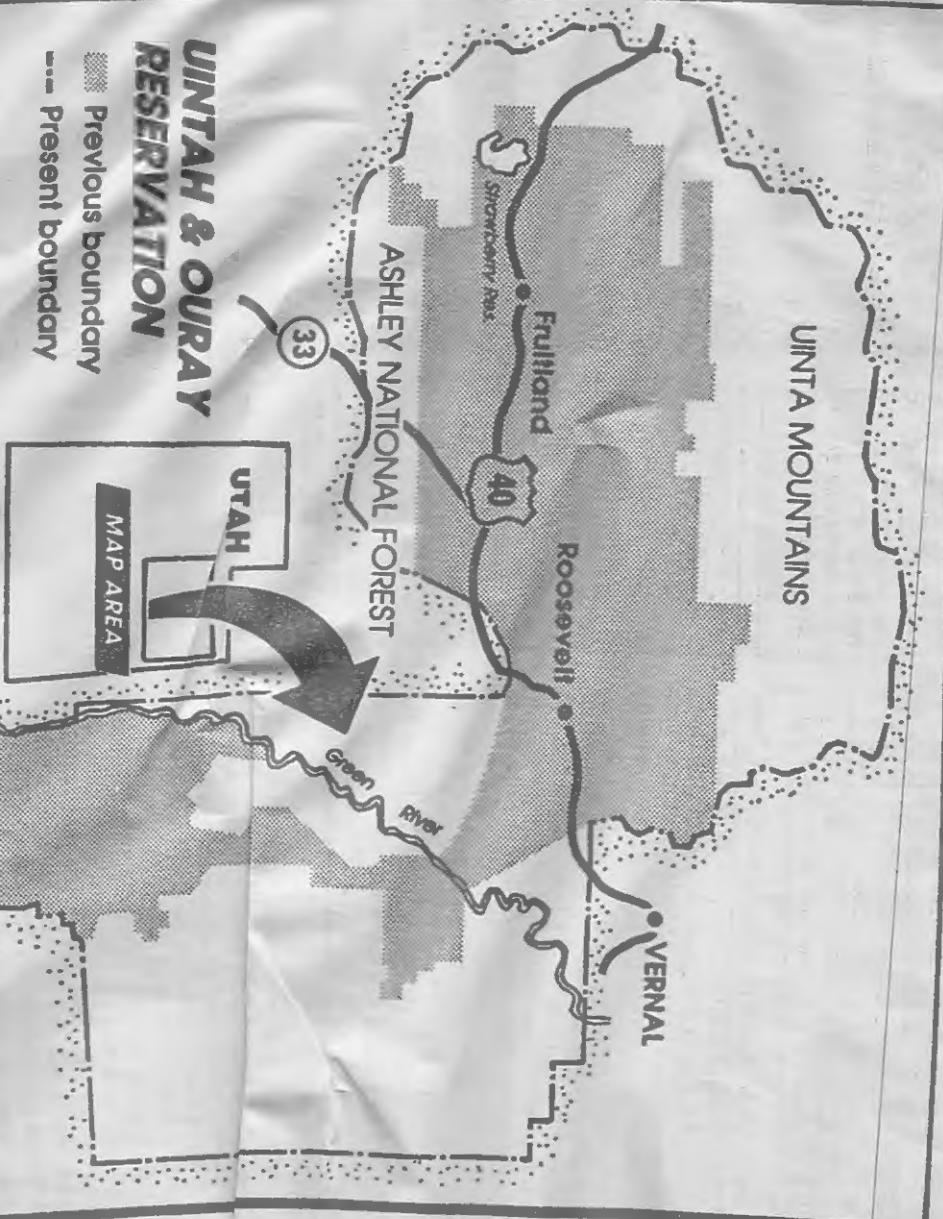
**FOR DUCHESNE** — Last year, in a landmark decision, the U.S. 10th Circuit Court of Appeals restored boundary lines to reservation lands of the Northern Ute Tribe. In effect, it increased their reservation size from about one to nearly four million acres.

Along with that, the court also gave back old hunting rights on the new ground. Indians could, said the court, use the land to support themselves. Or they could hunt and fish there as their ancestors did. . . . Or can they? Better yet, will they?

It seems that it's not what the court said in restoring the land and hunting rights, but more what it didn't say, that has caused confusion and deep concern among both Indians and non-Indians. The rumor mill has, in fact, been working at twice the speed of the human tongue.

Rumors have abounded of hunters being challenged by tribal agents armed with automatic rifles and standing sentry over public roads into the new areas; of hunters being threatened; of roads being closed; and of exorbitant fees being charged by the Indians to hunt what were once open lands.

In question are some of Utah's prime deer and elk herd units, as well as several prime upland game areas. The new lands swallow up a good portion of the Book Cliffs, much of the southern slope of the Uinta Mountains, most of Strawberry Valley and an area called the Un-



fishing land, and rumors of closure, or possible tribal-imposed restrictions, has sportsmen kinds of stories, but the truth is we just don't know what's going to happen. And yes, I'm worried. I've hunted the area for years. It'd be a shame to close it. It'd hurt me."

The truth is that no one, at this point, knows what is going to happen. They do, however, know what won't happen.

The lands won't be closed, there won't be fees levied, roads on the new lands won't be closed, and Indians won't be going out on year-round hunting sprees aiming to shoot anything that moves.

True, the court did give the Indians certain hunting rights on the new property. Also true, however, is the fact that the court left ownership of the new lands under prior owners, in this case the U.S. Forest Service, Bureau of Land Management, state and private control. Within the new boundaries, the Ute Tribe will actually own only about 25 percent of the land, and all of those lands were under their control before the decision.

"Which means that if Indians wish to hunt on private land, they'll have to get permission just like non-Indians. I doubt they have the right to trespass in order to exercise their rights to hunt," said Mike Quealy, state attorney for the Utah Division of Wildlife Resources.

It should be noted that within the reservation boundaries are two land categories — trust and extension.

Trust lands were controlled by the Indians prior to the decision. The Indians have total sovereignty over these lands. They can do whatever they choose. Non-Indians do not have and never have had access or use without tribal permission.

Extension lands are those that fall between the old trust boundaries and the new boundaries set by the court last year. Within these areas, Indians have some control, primarily over their own tribal members, and have asked to merely have some input over what happens there.

As noted, Indians have total and complete control over trust lands. They can hunt and fish year-round — if they wish. The tribe does, however, control hunting, very much like the DWR. It limits the number of elk and antelope harvested on trust lands, and it does not allow the hunting of moose.

On extension lands, Indians can take a deer during the general hunt (Oct. 17-27) as long as they have a permit issued by the Ute Tribe. There is no limit to the number of deer permits, but each hunter can have only one permit.

The tribe has agreed, however, to require that deer be three-point or better, as the Utah big game proclamation stipulates, for all deer taken within the boundaries of the Uncompahgre Unit in the Book Cliffs.

The state and the Indians agreed on the use of 150 special deer permits to be used year-round on extension properties.

And Indians will be able to fish on extension lands without having to buy a license, as long as they abide by state creel limits and other state regulations.

Allon Myore, head of the Ute Fish and Game Department, said the Indians are being cautious in exercising their new rights.

"One of our big concerns is that people believe we're out to ruin their hunting, and we're not," he said.

He said that the Indians really don't know, at this point, what the limit of their rights are. He also said that, as yet, tribal members have shown little interest in hunting off trust lands.

One source in Vernal pointed out that some of the best hunting in the state was on trust lands.

"So why would they want to go off and hunt where hunting isn't as good?"

Gene Anfinson of Vernal was one who admitted he wouldn't mind seeing the new lands fall under Indian control. He said he's put in for a permit for the roadless area of the Book Cliffs for 10 years, "and I haven't drawn out. It's a gamble. It might be better, and then again, if they (Indians) close it off, I haven't lost anything."

Another Vernal resident said he was afraid of all-out war if the Indians tried to close lands that were once open to hunting and fishing.

"I've heard of several run-ins between non-Indians and Indians, where the Indians have ordered

the non-Indians to get out of areas they've hunted, fished for years. I don't know how many really happened, no one has been shot yet, but I've heard stories. I hope it doesn't come to that," he said.

Law officers in the area say they've had reports of six such confrontations, but only one could be substantiated and that occurred on trust property. I don't view the law changing anything."

The truth, said Quealy, is that "for non-Indians the Indians can fish and hunt off trust land, without a license, as long as they abide by state laws. In addition, they were given an additional 150 deer permits to be used anytime during the year . . . and that's all."

The Indians will be able to close roads throughout trust grounds, but they have always been able to do that. They can't close roads on the extension property. They can set laws and control hunting on trust property, as they always have, but have no control over hunting or fishing on extension lands.

Under the ruling, Indians will be able to hunt without a license on extension lands, but must follow all the rules, limits and seasons set by the DWR and the Ute tribe.

In summary, for this year anyway, the Indians gained a few hunting and fishing benefits, while non-Indians lost none of those they had. Trust lands are still off limits, and extension lands are as open as they ever were.

Still, there are a lot of questions that must be answered. Among them: In returning historic hunting rights, did this also include animals that are not indigenous or native to the area but were moved there in recent years? This would include such species as the elk, antelope, chukar, pheasant and several strains of trout.

Quealy said the Indians have been very reasonable and want to get along. Myore said his people are "playing it cautious."

Both sides are expected to sit down soon and agree upon a long-range program that is expected to put even more concerns to rest.

Until then, nothing much has changed for those planning to hunt within the new boundaries this year.